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By Email Attachment

Honorable Paul G. Gardephe
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Kaleil Isaza Tuzman, et al.
15 Cr. 536 (PGG)

Dear Judge Gardephe:

We were retained last month to represent defendant Omar Amanat in the above-captioned matter. We have been actively reviewing the filings on the docket as well as the trial record to bring ourselves up to speed on the voluminous record. With the consent of the Government, we write now to propose a path towards the sentencing of Mr. Amanat and hope to discuss these issues, in addition to the representation issue raised in the Court's recent order, at the upcoming conference.

First, although the trial of Mr. Amanat concluded in December 26, 2017, there have been a number of post-trial motions and related issues that have contributed to a delay in the sentencing. It is both Mr. Amanat's desire and the Government's desire to narrow the issues and proceed to sentencing as soon as possible. Mr. Amanat has been detained at the Metropolitan Correction Center ("MCC") and then at the Metropolitan Detention Center ("MDC") in Brooklyn since December 2017 under conditions substantially more severe than at a facility to which he would likely be designated, and the conditions at MDC have deteriorated as a result of the COVID pandemic. We intend to submit a supplemental sentencing submission in the upcoming weeks, but we respectfully request a sentencing hearing date later this Spring or early this Summer. Considering that the Presentence Investigation Report ("PSR") has already been prepared for Mr. Amanat and that certain issues raised by the PSR have already been subject to briefing and a *Fatico* hearing, the usual three-month delay for sentencing may be unnecessary here.

Second, consistent with Mr. Amanat's intent to narrow the issues for the Court's consideration, we hereby withdraw the motion for a new trial premised on the newly-discovered evidence relating to Spyros Enotiades (Dkt. No. 1112), filed on December 28, 2020. The Government has informed us that it does not intend to seek any sentencing enhancement or consideration of Mr. Enotiades at Mr. Amanat's sentencing. With the withdrawal of this motion,

Hon. Paul G. Gardephe
April 22, 2021
Page 2

as well as the March 12, 2021 motion (Dkt. No. 1124), withdrawing Mr. Amanat's supplemental motion for a new trial (Dkt. Nos. 1113, 1114), the only pending non-sentencing-related motions pertaining to Omar Amanat are his February 12, 2018 motion pursuant to Rules 29 and 33 for a judgment of acquittal or a new trial (the "Rule 29/33 Motion," filed as Dkt. No. 735), to which the Government responded (Dkt. No. 750) and Mr. Amanat's counsel replied (Dkt. 755). Mr. Amanat's counsel also asked that certain information attached as an exhibit to a March 12, 2021 letter (Dkt. No. 1125) be considered in connection with the one remaining motion. We respectfully request that the Court address the issues raised in the Rule 29/33 Motion as soon as it is reasonably possible, so that Mr. Amanat can either be granted a judgment of acquittal, awarded a new trial, or sentenced as a result of his conviction.

Finally, we request that Omar Amanat's physical presence at the April 26, 2021 conference be waived and that he be permitted to participate by videoconference or telephone. Mr. Amanat is observing Ramadan, and the transport by the U.S. Marshals to the Court, especially during the pandemic, make the Ramadan fast substantially less pleasant. Counsel for Mr. Amanat will appear before the Court in person.

We look forward to discussing these issues and answer any questions the Court may have as to Mr. Amanat's representation at next week's conference. Thank you for your attention to this matter.

Respectfully submitted,



Daniel S. Ruzumna

cc: Counsel of Record